

**CITY OF MORGAN HILL  
JOINT REGULAR CITY COUNCIL AND  
REGULAR REDEVELOPMENT AGENCY MEETING  
MINUTES – DECEMBER 15, 2010**

**CALL TO ORDER**

Mayor/Chair Tate called the meeting to order at 7:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Council Members: Carr, Constantine, Librers, Siebert, Tate  
Absent: Council Members: None

**DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Wilson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

City Manager Tewes recognized the Employee Recognition Award Winners.

City Manager Tewes Introduced the New Assistant City Manager for Community Development, Leslie Little.

**PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS**

Mayor Tate presented Kenneth Waldvogel, retiring Santa Clara County Central Fire Protection District Chief, with a certificate of recognition.

Chief Waldvogel thanked the Council for recognizing his career. He has felt very privileged to work with the City of Morgan Hill.

Mayor Tate presented Don Gage, retiring Santa Clara County Board of Supervisors, Supervisor of the Board for District 1, with a certificate of recognition.

Don Gage thanked the Council for the recognition.

Mayor Tate commended Brian Shiroyama for his dedication and work with the Sister Cities Association.

Mayor Tate presented Judy Little with a certificate of recognition for her work with the Sister Cities, specifically her work with the students and exchange programs.

Judy Little spoke of her recognition from the Town of Mizuho and shared a message from the Mayor of Mizuho inviting the City Council to their town. She presented a gift from Mayor Izuko to Mayor Tate.

### **CITY COUNCIL REPORTS**

Council Member Carr reported on a meeting at the Valley Transportation District that he attended. He spoke of the Cal Train summit that is coming up on January 21, 2011. He wished everyone a happy holiday and a safe New Year.

### **CITY MANAGER'S REPORT**

City Manager Tewes spoke to the supplements for items #12 and #28.

### **CITY ATTORNEY'S REPORT**

City Attorney Wan had no reports.

### **OTHER REPORTS**

None to report.

### **PUBLIC COMMENT**

None.

## ***City Council and Redevelopment Agency Action*** **ADOPTION OF AGENDA**

**Action:** *On a motion by Mayor/Chair Tate and seconded by Council/Agency Member Carr Adopting the Agenda as posted. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

## ***City Council, Joint City Council and Redevelopment Agency and Redevelopment Agency Action*** **CONSENT CALENDAR:**

**Action:** *On a motion by Council/Agency Member Carr and seconded by Council/Agency Member Constantine Approving the Consent Calendar Items 1 through 9, 11 and 13 through 25. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0. (Item 6, Mayor Recused)*

### **1. ACCEPTANCE OF COMMUNITY AND CULTURAL CENTER SPRAY FEATURE RESURFACING PROJECT**

#### **Recommended Action(s):**

1. **Accept** as complete the Community and Cultural Center Spray Feature Resurfacing Project in the final amount of \$40,455; and
2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

2. **CONFIRM EXTENDED TERM OF COMMISSIONER LISA ARAGON ON THE PARKS & RECREATION COMMISSION**

**Recommended Action(s):**

1. **Confirm** the Council's March 10, 2010 action to extend the term of Parks and Recreation Commissioner Lisa Aragon until such time that the formal recruitment process is undertaken;
2. **Direct** the City Clerk to commence recruitment efforts to fill an unexpired term on the Parks and Recreation Commission (term ending April 1, 2014).

3. **RESIGNATION OF PLANNING COMMISSIONER**

**Recommended Action(s):**

1. **Accept** the resignation of Planning Commissioner Robert Escobar; and
2. **Direct** the City Clerk to commence recruitment efforts to fill an unexpired term on the Planning Commission (term ends June 1, 2011).

4. **APPROVE FOURTH AMENDMENT WITH HMH ENGINEERS FOR DESIGN OF WEST DUNNE AVENUE SAFETY PROJECT**

**Recommended Action(s):** **Authorize** the City Manager/Executive Director to execute a fourth amendment to the consultant agreement with HMH Engineers for design of the West Dunne Avenue Safety Project not to exceed \$45,700.

5. **ACCEPT THE SAFE ROUTES TO SCHOOL PROJECT**

**Recommended Action(s):**

1. **Accept** as complete the Safe Routes to Schools Project in the final amount of \$123,801; and
2. **Direct** the City Clerk to file the attached notice of completion with the County Recorder's Office.

6. **REJECT BIDS FOR THE MIDBLOCK CROSSINGS PROJECT**

**Recommended Action(s):**

1. **Reject** the bids received on December 2, 2010 for the Midblock Crossing Project; and
2. **Authorize** staff to re-bid project.

7. **APPROVAL OF COST SHARING AGREEMENT WITH COUNTY OF SANTA CLARA FOR THE BRIDGE PREVENTATIVE MAINTENANCE PROJECT**

**Recommended Action(s):** **Authorize** the City Manager to execute a cost sharing agreement with the County of Santa Clara for the Bridge Preventative Maintenance Project at West Little Llagas Creek Bridge (37c0377) on Watsonville Road.

8. **2011 HAZARDOUS VEGETATION PROGRAM**

**Recommended Action(s):** **Adopt** Resolution declaring weeds and brush to be a nuisance and setting January 26, 2011 as the date for the public hearing regarding weed abatement and June 1, 2011 as the date for the public hearing regarding brush abatement.

9. **AWARD ADA ACCESS RAMPS FY 2010/11 PROJECT**

**Recommended Action(s):**

1. **Approve** project specifications; and
2. **Award** contract to Golden Bay Construction in the amount of \$42,416; and
3. **Authorize** expenditure of construction contingency funds not to exceed \$6,464.

10. **AWARD CONSULTING CONTRACT FOR DEVELOPMENT OF URBAN WATER MANAGEMENT PLAN**  
**Recommended Action(s):** Authorize City Manager to execute the agreement with Risk Management Professionals, Inc. in the amount of \$36,950.
11. **ACCEPTANCE OF GALVAN PARK SOCCER FIELD GRADING AND IRRIGATION REPLACEMENT PROJECT**  
**Recommended Action(s):**
  1. **Accept** as complete the Galvan Park Soccer Field Grading and Irrigation Replacement Project in the final amount of \$182,220; and
  2. **Direct** the City Clerk to file the attached notice of completion with the County Recorder's Office.
12. **PURCHASE OF PUBLIC WORKS VEHICLES**  
**Recommended Action(s):**
  1. **Approve** purchase of vehicles for Public Works for \$278,521; and
  2. **Find** that a competitive bid would not be likely to result in a lower price pursuant to Morgan Hill Municipal Code Section 3.04.150(B); and
  3. **Declare** vehicles as listed as surplus equipment.
13. **NOVEMBER 2010 FINANCIAL & INVESTMENT REPORTS**  
**Recommended Action(s):** **Accept** and file report.
14. **ADOPT ORDINANCE NO.1997, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR THE ALICANTE ESTATES PROJECT LOCATED AT THE NORTHEAST CORNER OF COCHRANE ROAD AND PEET ROAD**  
**Recommended Action(s):** **Waive** the reading, and **Adopt** Ordinance No. 1997, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
15. **ADOPT ORDINANCE NO.1998, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR THE QUAIL MEADOWS PROJECT LOCATED AT THE SOUTHWEST CORNER OF SANTA TERESA BOULEVARD AND NATIVE DANCER DRIVE**  
**Recommended Action(s):** **Waive** the reading, and **Adopt** Ordinance No. 1998, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
16. **ADOPT ORDINANCE NO.1999, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT FOR SOUTH VALLEY DEVELOPERS' MADRONE PLAZA PROJECT LOCATED AT THE SOUTHEAST CORNER OF MONTEREY ROAD AND COCHRANE ROAD**  
**Recommended Action(s):** **Waive** the reading, and **Adopt** Ordinance No. 1999, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

17. **INDEPENDENT REDEVELOPMENT CONSULTANT'S REPORT FOR 2010**  
**Recommended Action(s): Accept** and file report.
18. **NOVEMBER 2010 FINANCIAL & INVESTMENT REPORTS**  
**Recommended Action(s): Accept** and file report.
19. **SWEAT EQUITY HOMEOWNER LOAN MODIFICATION REQUEST FOR 17367 CALLE DEL SOL**  
**Recommended Action(s): Adopt** Resolution approving a loan modification to reduce the applicable interest rate on a sweat-equity loan from 10% compounded interest to 6% interest accrued annually and authorizing the Executive Director to do everything necessary and appropriate to approve the loan modification including the preparation and execution of any required loan documents for the home at 17367 Calle Del Sol.

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

20. **GRANICUS, INC. WEB STREAMING AGREEMENT**  
**Recommended Action(s):**
  1. **Adopt** Resolution authorizing an agreement with Granicus Corporation for enhancement of web streaming, archiving and searching services for public meetings and determining that there is one source for the required services; and
  2. **Approve** and authorize the City Manager to enter into an agreement with Granicus, Inc. for streaming media services; and
  3. **Approve** \$1,600 budget amendment for FY 10-11 in Contract Services (206.5120.42231).
21. **ANNUAL FINANCIAL REPORTS FOR FY 09-10**  
**Recommended Action(s):** For information only.
22. **APPROVE THE JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR OCTOBER 20, 2010**
23. **APPROVE THE SPECIAL CITY COUNCIL AND JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 3, 2010**
24. **APPROVE THE JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 17, 2010**
25. **APPROVE THE JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR DECEMBER 1, 2010**

## ***City Council Consent Calendar Item Pulled for Discussion***

### **10. AWARD CONSULTING CONTRACT FOR DEVELOPMENT OF URBAN WATER MANAGEMENT PLAN**

**Recommended Action(s):** **Authorize** City Manager to execute the agreement with Risk Management Professionals, Inc. in the amount of \$36,950.

Council Member Siebert asked staff to work with the consultant and have them validate the City's water systems storage. He continued that he would like to make sure that the amount of storage that the City has is appropriate to meet the national standards.

Programs Administrator Eulo stated that this contract's envisioned plan will need to comply with State requirements; however the State has not finished the outline for the plan. It is possible that the analysis of storage adequacy will be part of the urban water management plan already. He continued that he feels the analysis that the consultant is scheduled to perform will be very compatible with an analysis of current storage.

In response to Council Member Carr's question that state may require us to do this any way; Programs Administrator Eulo stated no, because they have committed to preparing a plan that complies with the State's guidelines.

In response to Council Member Carr regarding the State not requiring the analysis of the storage capacities; Programs Administrator Eulo commented that it may require a change order.

In response to Council Member Carr asking if there was a need for a changes order, at what point would we have to bring it back to Council or could we put it in the motion tonight; City Manager Tewes stated this is not a construction project for which we would normally ask for a contingency amount but it would be possible for Council to authorize a contingency for this purpose if you feel the need for this work to be done or alternatively you could wait for the report to come back and evaluate whether we need to do it.

**Action:** *On a motion by Council Member Siebert and seconded by Council Member Librers **Authorizing** the City Manager to execute the agreement with Risk Management Professionals, Inc. in the amount of \$36,950. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

### **12. PURCHASE OF PUBLIC WORKS VEHICLES**

**Recommended Action(s):**

1. **Approve** purchase of vehicles for Public Works for \$278,521; and
2. **Find** that a competitive bid would not be likely to result in a lower price pursuant to Morgan Hill Municipal Code Section 3.04.150(B); and
3. **Declare** vehicles as listed as surplus equipment.

City Manager Tewes stated that it is our responsibilities to provide our staff with the tools necessary to do their jobs well and safely and that includes vehicles. All of the operating departments that have vehicles contribute annually to the replacement of those vehicles so that we can make sure that the decision to replace vehicles can be made based on the basis of what needs to be replaced rather than if we can afford to replace them. He continued that it has been the case in the past few years that we have evaluated the purchase very carefully to be sure that we are not just purchasing new vehicles

because they have met some arbitrary trigger, such as achieving a certain mileage, even though they are still functional. Each of the vehicles that are to be replaced have been very carefully evaluated to ensure the need for replacement.

In response to Council Member Siebert's questions of what changed between the original staff report and the supplemental staff report; Public Works Manager Iglesias stated that they researched the different uses of the existing vehicles and their possible uses and the cost benefits for modifying or altering the existing fleet.

Council Member Siebert commented that he has been assured that staff has done their due diligence.

Council Member Librers commented that we are buying these locally from the Ford Dealership and commended staff for keeping our dollars locally.

Council Member Carr commended staff for the extra research and work that they did to save the City money as well as purchasing the vehicles locally.

Council Member Constantine commended staff for considering the safety of the City employees.

**Action:** *On a motion by Council Member Siebert and seconded by Council Member Librers **Approving** the purchase of vehicles for Public Works for \$278,521, and **Finding** that a competitive bid would not be likely to result in a lower price pursuant to Morgan Hill Municipal Code Section 3.04.150(B), and **Declaring** vehicles as listed as surplus equipment. The motion passed by the following vote: Ayes: 5, Noes: 0, Absent: 0.*

## ***City Council and Redevelopment Agency Action***

### **OTHER BUSINESS:**

#### **26. UPDATE OF DESIGN PROGRESS FOR UPPER LLAGAS FLOOD PROTECTION PROJECT**

**Recommended Action(s):** **Hear** status report of ongoing design efforts related to the Upper Llagas Flood Protection Project and provide feedback to design team.

Interim Public Works Director Bjarke and representative with RMC presented the staff report.

Bal Ganjoo, Senior Project Manager with the Santa Clara Valley Water District concluded the presentation.

In response to Council Member Constantine regarding the timeline; Mr. Ganjoo stated that there is funding for the planning design and preparation of the construction documents. However, the federal funding process is a yearly process. The City and Santa Clara Valley Water District (SCVWD) have gathered a pool of money to fund the project.

In response to City Manager Tewes asking if the project was designed on schedule and ready to bid, when would we need federal funds; Mr. Ganjoo stated that they would need the funds to be allocated at the beginning of 2014.

In response to Council Member Constantine's question of if we had the money today, construction could not begin before 2014; Mr. Ganjoo stated yes that is correct.

In response to Council Member Carr regarding the 2014 construction; Mr. Ganjoo stated the construction for all flood control projects will start downstream and move up stream. Depending on funding you could have more than one project running at the same time.

In response to Council Member Carr regarding the scenario the construction in Morgan Hill is actually farther out than 2014; Mr. Ganjoo stated that it is out to 2015; however there is a possibility that construction could be started earlier. You would have to take certain precautions with the potential of flooding.

Mayor Tate opened the public comment at 8:11 pm.

Dennis Kennedy asked the Council to visualize a downtown that has a river walk similar to San Antonio. He commented that we need to change our vision of what this should look like. He presented a sketch of a potential alternative to the proposed plans. He asked the Council to ask staff to include a similar alternative in their proposals.

Bert Berson supported what Dennis Kennedy shared.

Marby Lee asked if we were to start in 2015, how long would the construction continue; City Manager stated it would last about two years.

The public comment was closed at 8:15pm.

Mayor Tate commented that there is a Council subcommittee that meets on a quarterly basis that meets with the Army Corp. of Engineers and SCVWD. He continued that we should get the public outreach process started.

Council Member Carr spoke of the committee and is pleased that Don Gage is joining the committee. He also spoke of the City/School Liaison committee and that they will be discussing this with the school board members tomorrow.

Council Member Librers concurred with Dennis Kennedy in that we should look at something like a creek walk and at least have that as an option.

In response to Council Member Librers question of is there any reason that that hasn't come to the table; Mayor Tate stated that flood control is a very expensive proposition. He stated that he hadn't heard some of the options that were proposed. The possibility of widening the creek just wipes out any possibility of having any trails next to it.

City Manager Tewes stated that the idea has been discussed before and if Council wishes to pursue that it would require considerable changes to the design contract. The backyards option is very constrained. If you want to have facilities it might require additional right-of-ways. There are planning and engineering reasons why to this point this has not been pursued.



In response to Council Member Constantine asking if it would be possible to get an idea of what both concepts would cost; City Manager Tewes stated that they could come back with an estimate of what it would cost to add this to the engineering contract. Interim Public Works Director Bjarke commented that that would be the approach if they would like to explore the other concepts.

Council Member Constantine asked to have staff provide a feasibility study and what the expense would be.

Mayor Tate commented that we have been working on this for a long time. We need flood control and the cost keeps going up. He feels that what you will hear is that it will be very expensive as well as it will delay the project.

Council Member Constantine commented that asking for the study shouldn't slow down the project.

Bal Ganjoo stated that this will eventually be funded by the Army Corp. of Engineers and they will look for the most cost effective approach. He continued that we are trying to adhere to the standards set by the Army Corp. of Engineers, which is important because we want to maintain the federal nexus with this project.

City Manager Tewes clarified what Council Member Constantine is asking for. He suggested it may be appropriate to ask what it would cost to prepare a feasibility study and have those answers at the January 26, 2011 meeting.

Council Member Siebert concurred with Council Member Constantine's suggestion. He feels that we would be remiss if we did not explore these opportunities. He also spoke of some past work and the favorable results that it yielded.

Council Member Carr commented that he doesn't disagree with the interest to find other opportunities, however please don't assume that those questions haven't been asked. The reality is that right now we are funding this project on federal earmarks that we hear are going away every day. Downtown Morgan Hill floods when it rains not just every hundred years. The flooding costs the business owners money, it costs the citizens money and it costs the City money with the emergency response. We need to pick our course and be consistent with it.

Mayor Tate emphasized that the alternatives enable a lot of things. There are opportunities for redevelopment which would open up a lot of possibilities.

City Manager Tewes commented that it would be helpful to have Council consensus if you do wish to have staff spend time in the next few weeks to develop the cost of the feasibility study and bring it back for your consideration at the Meeting of January 26, 2011.

Mayor Tate suggested that we need it at the highest possible level. It bothers him that it diverts attention from the real intent of flood control.

In response to Council Member Constantine asking if his request is going to make the project more difficult; Mr. Bui stated not knowing what direction we are moving forward with it will certainly delay the timeframe.

In response to Council Member Constantine's question of how much of a delay are we talking about; Mr. Bui stated he is not sure, he would have to talk to the team.

Bal Ganjoo stated that it will also mean additional costs.

Mayor Tate is in favor of getting a notion of what we are talking about, but he doesn't want to spend a lot of money and time to pursue it.

In response to Council Member Constantine regarding the river walk idea coming up in the past; City Manager Tewes stated that it has come up several times. It was precluded because of the engineering constraints, additional right of way requirements and the downtown goals themselves.

Leong Lee stated that when we started the project he was in favor of a "river walk", however the constraint on real estate made it very difficult and at the same time makes the option of going through the school very viable. He thinks that there is still an option on the table to leave the creek as it is and build an underground tunnel to pass the larger floods. If we go with that plan we still have the channel above ground for future designs.

Council Member Constantine asked that we look at the idea of building a culvert underneath the current one to two year flood plain and then we can look at the river walk at a later date. He continued that he is fine leaving it as it is until we decide if we are going to do the ball field route or the backyards route.

Council Member Carr commented that when we think about the possibility of a river walk, it would be between Main and Dunne Avenues and the possibility of this new flood control project are on private property requiring us to purchase the property and remove homes and trees. It is not just that it is an extremely expensive proposition, it is also about people's personal property and what property we would have to take to put in a river walk.

Council Member Siebert concurred with Council Member Carr. The undergrounding option that goes through the ball fields appears to be the superior alternative and would possibly allow for the project to be expedited. He proposed that they direct the City engineers to continue working with the culvert or flood bypass alternative. They can put parts of the 100 year flood protection channel underneath an existing channel, with the opportunity to work with that.

No action taken.

City Manager Tewes commented that we are expecting a significant amount of rain this weekend and there may be a possibility of flooding downtown. He encouraged property owners to take the necessary precautions to protect their properties.

## ***City Council Action***

### **OTHER BUSINESS:**

27. **ORDINANCE AMENDING TITLE 15 (BUILDING AND CONSTRUCTION) TO ADOPT THE 2010 CALIFORNIA STATE BUILDING STANDARDS CODE WITH LOCAL MODIFICATIONS AND THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND TO AMEND, DELETE AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS**

**Recommended Action(s):**

1. **Open/close** the public hearing; and
2. **Waive** the first and second reading in full of the Ordinance (An Ordinance of the City Council amending title 15 (Building and Construction))
3. **Introduce** Ordinance (An Ordinance of the City Council of the City of Morgan Hill amending Title 15 (Building and Construction) to adopt by reference the 2010 California State Building Standards Code known and designated as California Code of Regulations, Title 24 and the 2009 International Property Maintenance Code; and to amend, delete and add certain other building and construction standards).
4. **Schedule** a public hearing to be held at the Council meeting of January 26, 2011.

Building Official DeLuna presented the staff report.

City Attorney Wan commented that the process for adopting this ordinance is not the same as the typical ordinance.

Council Member Siebert spoke to standardization of building codes; Building Official DeLuna stated yes. The local ICC chapter regulates the building codes.

Council Member Siebert asked about the requirement for fire sprinklers and the input from other cities; Building Official Deluna stated it is in the new code volume that has been added and is a state wide mandatory requirement.

City Manager Tewes stated that in the past there was some local discretion, that discretion has been severely constrained and we are now mandated to enforce the fire sprinklers.

Mayor Tate opened the public comment was opened at 8:46 pm.

Dick Oliver spoke to the cost impacts to new construction and the possibility of delaying the fees for 180 days. He continued that because of the significant cost increase he recommends that this be an item that is covered in the Measure C update, so that they can take into account the additional costs.

The public comment was closed at 8:48 pm.

In response to Council Member Carr asking how does this apply when we have a project with existing allocations based on certain economic assumptions; Building Official Deluna stated it does not. The plans are held to the building code that was in place when they were submitted and the plan check is completed.

Council Member Librers asked for clarification as to why is Mr. Oliver asking for the 180 days; Mr. Oliver stated that it has been his understanding that it is triggered by the issuance of building permits. It would certainly affect new projects.

Council Member Librers asked who would govern that; City Attorney Wan stated that the new State code was adopted by a commission that would automatically take effect in January, so it is not possible to delay this 180 days. What you could do is adopt more stringent standards depending on location conditions, you cannot lower the standards.

Council Member Librers spoke to Mr. Oliver's comments; City Manager Tewes stated that this not correct.

**Action:** *On a motion by Council Member Carr and seconded by Council Member Siebert **Waiving** the first and second reading of Ordinance No. 2000. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

**Action:** *On a motion by Council Member Carr and seconded by Council Member Siebert **Introducing** Ordinance No. 2000, An Ordinance of the City Council of the City of Morgan Hill amending Title 15 (Building and Construction) to adopt by reference the 2010 California State Building Standards Code known and designated as California Code of Regulations, Title 24 and the 2009 International Property Maintenance Code; and to amend, delete and add certain other building and construction standards. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

**Action:** *On a motion by Council Member Carr and seconded by Council Member Siebert **Scheduling** a public hearing to be held at the Council meeting of January 26, 2011. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Mayor Tate called a recess at 8:54 pm. The Meeting was reconvened at 9:02 pm.

## **28. SOLAR POWER PURCHASE AGREEMENT**

### **Recommended Action(s):**

1. **Provide** direction to staff on the following issues:
  - Which facilities shall be included on the project?
  - Shall the City invest capital resources? If so, at what level and from what source?
  - Which siting locations at the facilities shall be included based on the alternative footprints contained in the tree removal and siting alternatives analysis?
2. **Authorize** the City Manager to execute agreements with Borrego Solar Incorporating the City Council's direction and subject to the review and approval of the City Attorney.

Programs Administrator Eulo presented the staff report.

In response to Council Member Constantine regarding placing the solar panels at the eastern side and the courtyard at the Centennial Recreation Center (CRC); Programs Administrator Eulo stated that there are trees in the courtyard so that would probably not save trees, however the shade would be appreciated

In response to Council Member Constantine asking how many trees would be removed if we did not move any of the panels; Programs Administrator Eulo stated it would be 26 trees. He continued that we could save a much larger number of trees if we went into the southeastern area that is open, but that would inhibit future facility expansion.

In response to Council Member Carr regarding facility growth and still having incentive to work on energy efficiency; Programs Administrator Eulo stated the general energy offset is 80% of the energy usage.

In response to Council Member Carr asking if we have projected out where our energy use is; Programs Administrator Eulo stated that we have to date done so. He continued that when you think about the cut backs we have engaged in the past several years, however when we grow in the future the usage and demand goes up.

In response to Council Member Carr's comment if we have more users at the CRC the lights are still going to be on the same amount of time; Programs Administrator Eulo stated there are a few factors that are influenced by usage, for instances the pools and filters. Secondly to the extent that we are more and more popular there would be more classes that would be offered, requiring a higher energy load.

In response to Council Member Carr's comment that the system is set up today to accommodate the current usage and the systems that are currently shut off would be running; Programs Administrator Eulo stated that is correct.

In response to Council Member Carr regarding the feed in tariffs; Programs Administrator Eulo stated it is sited as something that revolutionizes solar power. It is an active discussion in California.

In response to Council Member Carr's question does that take legislation to have it go into effect; Programs Administrator Eulo stated yes, that is his understanding.

In response to Council Member Carr regarding possible outcomes around the legislative agenda to help move that forward; Programs Administrator Eulo stated absolutely.

In response to Council Member Librers regarding energy shifting; Programs Administrator Eulo stated he is not sure if it is possible through a power purchase agreement like what we are talking about here when a third party owns the facilities. He continued that it is very clear that if we owned the solar panels we could send the power to another facility. The law is only two or three years old and hasn't really been tried in the real world.

Council Member Librers stated that is a question that she would want answered by the third party; Programs Administrator Eulo stated that he doesn't think that anyone can answer that question today and tell us definitively yes.

In response to Council Member Carr asking would Borrego be opposed to that as our third party provider; Mr. Potovsky stated he can't imagine that they would as the City is still buying the power that our systems creates.

Programs Administrator Eulo stated that it would be between the City and PG&E and they have to be prepared to facilitate that and it hasn't occurred very much so they wouldn't be able to give a definitive answer at this time.

City Attorney Wan commented in addition to what Mr. Eulo has stated; if the City wanted to get out of the contract in the next five years there is a very hefty penalty that we would have to pay and we

would not get the equipment. Secondly, after the initial five or six years there is an option to buy out the system and keep the equipment. Those are two separate issues; whether it is a termination with a penalty or a buyout option.

Programs Administrator Eulo stated that there is a provision in the contract for them to tell us in year 19 the cost to remediate the site and remove the equipment and at that point they need to develop a fund to pay for that.

In response to Council Member Carr asking if we closed a facility we would still be obligated to purchase the power; Programs Administrator Eulo stated that is correct so we would still be looking at the other options, primarily sending the power to another facility.

Council Member Carr feels that it is very important that in the contract we specify the ability to either wield the power to another facility or at least allow us to break the contract; Programs Administrator Eulo stated I don't believe it would be possible to break the contract. He continued that as he mentioned there are buyout clauses, if we were to close a facility we could buy out the facility.

City Manager Tewes stated that this is one of the issues that Danny is working with the attorneys on. There is a procedure for an appraisal which currently just says fair market value without specifying in the contract an approach to evaluate that. It is possible for one party to assert that the value of the business has a higher value than you or I might think it has because they see the future potential cash flow.

City Attorney Wan agreed with Mr. Eulo in that if you want to pick another facility to not include in the contract, the Aquatics Center (AC) is a good candidate. Not only is it the most likely facility that would be closed down it is also most likely to have reduced operating hours. It is those scenarios in which if you decide to shut down the AC in the first five or six years you are basically terminating the contract and are obligated to pay the penalty. Thereafter the first five or six years you have the option to buy the equipment.

In response to Council Member Constantine regarding energy shifting being built into the contract; Programs Administrator Eulo stated that we will try to put something in the contract making it very clear that we have the ability to shift the power to another facility

Mr. Potovsky stated that the rebate reservation fee is refundable when the system is built and commissioned.

In response to Council Member Carr clarifying that what he is asking is that we would front load the application fee and if we move forward with Borrego they would pay that fee back to us. If in January we decide that we didn't get any of these specific terms negotiated, we would be out the fees unless we come up with another type of agreement within eight months; Programs Administrator Eulo stated that is correct, it could be a power purchase agreement with a different company or it could be a program that we self-fund the panels.

In response to Council Member Carr commenting that we are putting \$50,000 at risk right now; Programs Administrator Eulo stated yes, however the rebates are well over a million dollars.

Mayor Tate spoke to the facilities that should be included in the project. He continued that we have already taken out the CCC and are discussing taking out the AC.

In response to Council Member Carr's question of was one of those because our request last time was to minimize the removal of trees and that in order to do so the facility would have to be located in a place where we someday envision expansion; Programs Administrator Eulo stated that was half of it. It is either we do it in the parking lot and remove some trees or we move it to the south and the negative is that we are infringing upon future facility growth. Reason number two, is it the most likely facility that we can envision closing out of the four.

In response to Council Member Librers regarding property owned by the City south of the Aquatics Center; Programs Administrator Eulo stated approximately one acre.

City Manager Tewes stated that it is not a lease, it is an installment purchase and we will own it at the end of this fiscal year.

In response to Council Member Librers regarding moving the solar panels at the CRC and whether that means there wouldn't be any in the parking lot; Programs Administrator Eulo stated that there would be fewer in the parking lot.

Mayor Tate opened the public comment at 9:42 pm

A gentleman whose is an Electrical engineer stated that solar panels are typically between 17% and 20% efficient and there are new technologies coming out every day. It may be who of the City to work out some terms with Borrego to allow an upgrade in the future with preferential pricing.

Hearing no further requests to speak the public comment was closed at 9:43 pm.

Mayor Tate commented that he agrees with the staff recommendation of removing the Aquatics Center. He continued that he thinks the CRC is the greatest generator of income. He commented that he would leave the CRC in and take out the Aquatics Center.

Council Member Carr commented that it is hard to give direction on this one item when there are so many other questions and comments that he would like to explore without saying that he wants to include any particular facility. He continued that he does not think shifting where the panels are located at the CRC is a good idea and that we have undercut what we are trying to do with this project by trying to preserve the trees.

Mayor Tate commented that Council Member Carr can't answer the first question until you get the other items explored, so he needs to get all of his concerns out on the table as he did last time.

City Manager Tewes clarified staffs recommendation. We initially said there were five facilities that we thought would benefit from this. At the last meeting Council eliminated one of those and asked us to analyze the remaining four with a view toward the City Council deciding to only proceed with three. He continued that it is not staff's recommendation that we proceed with three not four, we analyzed four and you asked us to tell you if the Council wanted to go to three, which one we recommend be eliminated.

City Attorney Wan pointed out that the negotiation is still in flux and there is no guarantee that any of this will be agreed upon. In terms of risk assessment which one of these facilities would most likely incur a termination fee at some point, we think it would be the Aquatics Center. Some of the other issues that are outstanding are issues having to do the indemnification, the CEQA process, the construction delay, and the liquidated damage fee. Those are some of the major issues that we are working on.

Council Member Carr commented that he is troubled about the risk of the rebate fee. He prefaced his concerns by saying that he is supportive of doing this and trying to find a way to be a leader by providing our power by solar. He is concerned about the construction schedule and timing, it has to be in the contract that there would be liquidated damages if they do not stick to the schedule. All of these facilities are too important to the public to have access to the parking limited because of a delay in construction. He continued that they haven't talked about the budget for site preparation and he is still unclear as to whose cost it is. And within the contract regarding tree removal, he would like to explore replacing the trees that have been removed and we should ask Borrego to pay to replace those trees. He commented that there should absolutely be language in the contract regarding energy. He continued regarding maintenance and the one week response time to abate the graffiti, he feels that is not acceptable that graffiti would be allowed to sit for a week; it should be fixed the same day. He is still concerned about the requirement to buy a specific amount of power and our ability to break that contract. If we are still required to buy a certain amount of power that is a disincentive. Lastly the requirement to buy power on a facility that has been closed is an issue and he would like to find ways to mitigate that.

Mayor Tate wondered if Mr. Eulo had some answers on the site prep question; Programs Administrator Eulo apologized, the tree removal and light pole removal would not be a the city's expense. He continued that he had envisioned going back and re-vegetating the end caps in the parking lots on City beautification day using volunteer labor because replanting plans are not a part of their proposal.

In response to Council Member Librers' question of if you pull out a tree, can that be saved and replanted; Programs Administrator Eulo stated it is generally not worth it and the likely hood of it being a healthy tree for a long time is low.

In response to Council Member Librers asking if this company is doing all of Santa Clara County; Programs Administrator Eulo stated it is not just Santa Clara County and it's not all of Santa Clara County, there are certain jurisdictions that are participating, some of them are in San Mateo County. All of the projects were divided into three pools based on project size. Borrego was selected for the medium bundles, other companies were selected for the small and large bundles.

In response to Council Member Librers' question that there are other companies that do this and what's dangling in front of us is the tax incentive; Programs Administrator Eulo stated it's not the tax incentives as much as it is the California Solar rebates that are going away. That is a very current topic here, yes.

Mayor Tate commented that he agreed with most of Larry's concerns; construction schedule, we have to have liquidated damages; site prep has been resolved; energy shifting language must be in the contract; one week response on graffiti must be the same say, he is not sure that it needs to be the same day but it should be a lot quicker than a week.



Council Member Siebert commented that it should be the same as the city standard.

Mayor Tate stated that there is not a standard but it is the Cities practice to get it taken care of as quickly as possible given the resources.

City Manager Tewes stated that on a public facility it is usually the same day or within 24 hours.

Council Member Librers feels that within 24 hours is reasonable.

Mayor Tate commented that he is not sure about the ability to break the contract, Mr. Wan has that same concern and we may be taking a risk by paying this fee tonight.

Council Member Constantine asked if we could abate the graffiti and back charge Borrego for the abatement.

City Manager Tewes commented that it is not the case that this private party will enter into a contract with us that will allow us to walk away; it is establishing up front under what terms the contract can be terminated.

In response to Council Member Librers' question of where would the \$50,000 deposit come from; City Manager Tewes stated that the only fund that seems reasonable would be the fund that gets the benefit of the energy cost which would be the general fund. He continued that the supplemental memo proposes a funding source that is the building maintenance fund, that fund is capitalized by contributions from the using departments and funds.

Mayor Tate asked Council Member Carr if that clarified anything on the first question regarding the facilities.

In response to Council Member Constantine asking at the AC is there a possibility of extending the parking lot, is that the mitigating problem; Programs Administrator Eulo stated originally there was a plan to build another pool to the south, I don't think that is a current and likely possibility but there is the potential for other things to occur there, but I believe a permanent parking lot is the most likely thing to take place there and there is not a funding source secured for that as the RDA funds cannot be used.

Council Member Siebert stated that we want to focus our efforts and what he's hearing is that this is something we want to do but it is a business decision. If we can produce power and use it somewhere else it is a great idea. However, we have an unknown because of the nature of the law right now. The focus is providing energy as it was designed for each of these facilities to maximize the benefit for those facilities. He continued that we need to say do we want to do this because it's a good business decision and go into it with some reasonable degree of risk. He would like to see us move forward whether it be three or four facilities and take the benefit for the facilities we have. He commended staff for their superb work in bringing the City and Borrego to this point.

Mayor Tate agreed with Council Member Siebert's overall conclusion. He continued that we are taking a risk with the \$50,000 but we could in the next eight months do something with someone else

if it doesn't work out with Borrego. He feels that the biggest location risk is the Aquatics Center and that we should proceed with the other three facilities.

Council Member Siebert stated that there is a well just down the street from the AC which could certainly make use of power if we had extra. He commented that he would be comfortable with three if that was the consensus of the Council.

Council Member Librers commented that there would be a slight increase in all of this if we only went with three. Regarding the AC you are saying that is the most likely facility to close yet you don't want to put the panels out there because it might prohibit expansion? She suggests that if we do go with the AC, we go with the parking lot type. The biggest thing that she is concerned with is the 20 year commitment; we don't know what the future will bring.

Mayor Tate asked Council Member Librers if she is ok with going ahead with four; Council Member Librers stated that she would lean toward four.

Council Member Constantine commented that he would lean towards four as well.

Council Member Siebert commented that it is a concern but we have an opportunity with a modest cost increase, to benefit the City to the tune of \$20,000,000 million dollars over the next twenty years.

Council Member Constantine mentioned that we also will have to deal with AB 32 and he feels that we should move forward at this time.

Mayor Tate agreed and commented that we need to take a leadership role in this.

Council Member Carr stated he would lean towards three, has the same concerns with leaving options. He continued that we still have the question of what does it mean with a slight increase? He understands that it would save less not cost more. He is now leaning towards eliminated the Aquatics Center.

Mayor Tate is kind of leaning that way as well but is a little bit ambivalent.

Programs Administrator Eulo stated the more firm decisions we can get tonight, the more it will ease the preparation of the final documents.

Mayor Tate spoke to the City investing capital resources and at what level and what source?

Council Member Siebert asked what the alternatives are and commented that we have RDA money that is not ear marked for specific projects. He continued that we are trading an unknown for a known.

Mayor Tate replied that there are buckets for the RDA funds not specific projects.

City Manager Tewes stated when the RDA amended the plan most recently to extend the time and increase the tax increment cap, Council also identified in the plan the opportunity to borrow and we did borrow approximately \$100,000,000 and we identified in the official statement what that hundred

million dollars would be spent on. Essentially four major projects, three major roads projects and one downtown project; the extension of Butterfield Blvd south, the Hale Avenue extension and the Tennant Avenue overcrossing. Only the latter project is currently under construction, the other three are just place holders and we do not know what the cost will be yet but we will use the bond proceeds for that purpose. Similarly approximately \$40,000,000 was identified in the bond issue as being available for a variety of downtown improvements so that is a place holder as well. He concluded that when we allocate \$1,000,000 for this purpose we are simply subtracting from one of those other projects.

Council Member Siebert believes it is worth considering the investment of RDA funds in order to reduce the impact on the General fund for those facilities where the use of those funds are eligible.

Council Member Carr agreed with Council Member Siebert but he struggles with the idea that by getting into a power purchase agreement we wouldn't expend any capital resources and the cost benefit and being able to show that it pays off. In a case like this we can use RDA funds to help out the General Fund but we would have to justify that because that is a change from why we got into this process in the first place.

Council Member Siebert agreed but doesn't know what the magic number is.

Mayor Tate asked which siting locations at the facilities shall be included based on the alternative footprints. He thought there was already consensus on the CRC that Council did not want to change that location.

Council Member Siebert stated that Mr. Eulo stated a slight shifting to the east at the CRC.

Mayor Tate agreed and commented that is fine and if we go ahead with the AC we want to go with the south site and go with the car ports.

Council Member Libers stated is they go with the AC, she wanted them as carports.

Programs Administrator Eulo asked which location; Council Member Libers stated carports to the south.

Council Member Carr disagreed; if we go forward with the AC he would like to go with the original plan. He continued one of the purposes of this was to create shade structures and by putting these out in the field we are completely eliminating that. Alternatively, we should be looking at replacing any tree that gets removed.

Council Member Siebert concurred with Council Member Carr

Council Member Libers doesn't have a strong opinion one way or another.

Mayor Tate commented that they continue as originally proposed for the AC if they go with the AC.

Mayor Tate commented that regarding the \$50,000 we should go for it.

Council Member Constantine concurred, we will have to do it whether we go with Borrego or not.

Mayor Tate commented that the question is three vs. four, he is for four.

Council Member Librers wants to go with three, she thinks technology will improve and doesn't want to be locked in for twenty years.

Council Member Constantine still says four.

Council Member Siebert also agreed with four, we are going forward at this time because of the rebates and the fact that they are going away quickly.

Council Member Constantine asked how long Mr. Potovsky has been in the solar industry; Mr. Potovsky stated five years.

In response to Council Member Constantine regarding the curve in innovation in solar power; Mr. Potovsky stated that in the last five years there have been some pretty steep jumps. He continued that he does not agree with the term obsolesces, the equipment is still doing what we said it would do. It is not obsolete. It is not as modern or efficient as tomorrow's technology but it will still do what we need it to do.

Council Member Constantine commented what we are trying to do is save money, generate RECS and put solar energy on the table. If that is still the case in twenty years then we are really taking no risk.

Mayor Tate commented if there are parameters that they can give staff on the three sites vs. four sites.

Council Member Librers commented one of the things is what is the slight increase.

City Manager Tewes stated we could calculate that, Borrego was reluctant to model twelve different combinations of three sites, but we could ask them the value of three sites if it is a particular site that is removed, then we could bring back that optional analysis.

Programs Administrator Eulo stated the other issue is that we are going to pay \$10,000 for a rebate application on that fourth site if we leave it open or potentially lose the rebate, that is a good reason to not leave it open.

Council Member Carr shared his concern about future changes and that they are not about the technology, his concern is about the deal. The Power Purchase Agreement could change, with new companies and the way they operate they would be locked into a specific deal.

Council Member Librers concurred and that is why she would like to go with three.

Council Member Constantine agreed with the premise of the statement but if a better deal comes along and they want you to sign for 20 years it would be the same thing. He continued that he understands it is difficult to commit for 20 years because there may be something better around the corner but that may not be the case.

Mayor Tate spoke to the Outdoor sports Center (OSC) and the possibility of tying that into the AC in the future once the systems have been tested.

Programs Administrator Eulo commented that is in a different bundle with a different vendor. We are hoping to bring something to Council in the future for the OSC. There is, however, an issue with bringing power across property lines and he believes that those are two different parcels.

In response to Council Member Carr's comment and yet we have the ability to shift power; Programs Administrator Eulo stated it would be as complex as any power shifting, it would not be more feasible because it is next door.

Council Member Siebert asked about a potential lot line adjustment; City Attorney Wan stated yes we have the power to do that he is not sure how that interacts with PG&E's rule.

City Manager Tewes stated they are not both owned by the City, one is owned by the City and the other is owned by the RDA.

Mayor Tate asked can we agree on three facilities for now.

**Action:** *On a motion by Council Member Librers and seconded by Council Member Carr **Authorizing** the City Manager to execute agreements with Borrego Solar Incorporating the City Council's direction (moving forward with the Centennial Recreation Center, the Civic Center and the Police Department) and subject to the review and approval of the City Attorney. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

City Manager Tewes stated that Council Members consensus would be helpful. It is not the case that Borrego will replace the trees, is that something that Council would like to have?

Council Member Carr commented it is not something that would break the deal but we should make every effort to see how we can jointly replace trees.

City Attorney Wan admitted that the energy shifting had not come up in past negotiations so he is not sure how they will respond to that.

Mayor Tate commented that the energy shifting is a must for him.

Council Member Siebert commented that Borrego should not object to the energy sharing.  
Council Member Carr stated that he would like to make sure that it is in the contract and that the agreement does not disallow us to do that.

City Attorney Wan stated the concept is that if the energy use at one facility is less than the energy produced, then we could pay the energy and shift it to another facility.

Council Member Siebert commented yes, to the maximum extent by law and state regulation.

Council Member Carr commented that liquidated damages is a must for him; The Mayor concurred.

Council Member Siebert suggested that the construction occur on a second shift as to not interfere with the public's use of the facility.

**29. PARK LAND ACQUISITION PRIORITIES**

**Recommended Action(s):**

1. **Revise** the City Council's park land acquisition priorities as follows:
  - a. Land-bank acreage for sports park (20+ acres)
  - b. Land-bank acreage for community park (10+acres)
  - c. Land-bank acreage for neighborhood park(s) (3-10 acres)
2. **Direct** staff to consider land within and outside the City's border
3. **Direct** staff to evaluate potential sites for each priority concurrently
4. **Direct** staff to return no later than May 2011 with further information for Council direction.

Recreation and Community Services Director Rymer presented the staff report.

Mayor Tate opened the public comment at 10:43 pm

Jeff Dixon with the Youth Sports Alliance (YSA) commented that he had a number of different observations. The YSA agrees with item number four. He feels that it is important to keep in mind that if you remove that priority, then you increase the importance of priority one. He then spoke to the Pony Baseball and Spirit Softball's leagues value in the City of Morgan Hill. He continued that he recognizes working concurrently as a necessity because otherwise you give away your competitive negotiating edge. He encouraged Council to look to the community for options to help youth sports succeed in the community.

Paul Swing spoke regarding Pony baseball as a group of people that are passionate about baseball in Morgan Hill. He continued that they are currently using the school fields and do not have the ability to protect the fields the way that they would like to. There is money to land bank but not to build a facility, he would like the option to work with the Council or create a task force to look at the opportunities on how to not only acquire the land but develop it.

Rich Taylor commented that he has confidence that the Council understands the citizens needs and would love to move forward with something that would benefit the children. He concluded that he would really like to see this on the fast track.

Tom Moorhead spoke to his involvement with Pony baseball and the growth of the league. He stated that it is not a two or three month ordeal, it goes all year long. Pony Baseball would like to attract more people here, the complaint we hear is the quality of fields. We would love to have our own facility that we could maintain and control. He concluded that they have over 1,000 people involved with their league and they are dedicated and involved.

Kevin Tomlinson spoke regarding his children in softball and baseball and the facilities that they have played on at other cities. He sees what we have and what we could have and would like this to move forward soon.

Gary Winseler would like to see Morgan Hill receive a first class baseball complex and make finding the 20 acres for the baseball complex a priority. He encouraged Council to explore that priority. He concluded that we would be able to attract more people out of town if we had better facilities.

Khoa Vo parent of baseball players, would like to tie in the Llagas Creek Project with improving the baseball fields. He commented that this would be a great opportunity so that Morgan Hill does not lose years of baseball.

Hearing no further requests to speak the public comment was closed at 10:56 pm.

Council Member Carr agreed with all staff recommendations.

Mayor Tate and Council Member Constantine concurred.

Council Member Siebert shared his concern that we should move more quickly and asked City Manager Tewes and Recreation and Community Services Director Rymer what we can do to move it along more quickly.

Recreation and Community Services Director Rymer stated the primary thing is that the processes that are involved take time. The Parks and Recreation Commission (PRC) meets every other month, the other part is the internal priorities. One key thing is a chance to have concurrent things at the same time to see what can be flushed out.

Council Member Siebert commented that the citizens are usually eager to devote extra time to meet a need.

Recreation and Community Services Director Rymer shared that he is meeting with the PRC chair on Friday and hopefully that is a good sign of moving it along

**Action:** *On a motion by Council Member Carr and seconded by Council Member Constantine **Directing** staff to consider land within and outside the City's border, to evaluate potential sites for each priority concurrently and to return no later than May 2011 with further information for Council direction. The motion passed by the following vote: Ayes: 5, Noes: 0, Absent: 0.*

**Action:** *On a motion by Council Member Carr and seconded by Council Member Constantine **Extending** the City Council and RDA meeting by half an hour. The motion passed by the following vote: Ayes: 5, Noes: 0, Absent: 0.*

**30. REGIONAL FIRE AND EMERGENCY MEDICAL SERVICES (EMS) STUDY UPDATE REPORT**

**Recommended Action(s): Receive** the Regional Fire and Emergency Medical Services (EMS) study Committee Member's Update Report.

Mayor Tate commented that the purpose was to provide Council with an update.

Recreation and Community Services Director Rymer gave the Council an update on LAFCO.

No action taken.

**FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:**

None.

**CLOSED SESSION:**

**OPPORTUNITY FOR PUBLIC COMMENT**

None.

**ADJOURN TO CLOSED SESSION**

11:03 pm.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to:	Government Code Section 54956.9(b)
Number of Cases:	One (1)

**RECONVENE**

Mayor/Chair Tate reconvened the meeting at 11:19 p.m.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Wan reported that no reportable action was taken during closed session.

**ADJOURNMENT**

There being no further business, Mayor/Chair Tate adjourned the meeting at 11:19 p.m.

**MINUTES PREPARED BY:**



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**MICHELLE WILSON, MINUTES CLERK**